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ACTION ACDA-10

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SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN
LAW - WEEKLY REPORT APRIL 26-30.

REF: GENEVA 3132; GENEVA 3049

1. SUMMARY: AT END OF FULL WEEK OF COMMITTEE LEVEL WORK, PROGRESS BEING MADE IN ACCORDANCE WITH WORK PATTERNS ESTABLISHED AT PREVIOUS SESSIONS. WHILE COMMITTEE I REMAINS SLOWEST, BETTER PROGRESS BEING MADE THAN PREVIOUSLY. COMMITTEES II AND III ARE MAKING STEADY PROGRESS. AD HOC COMMITTEE ADOPTED ITS AGENDA AND WILL BEGIN SUBSTANTIVE WORK ON MAY 12. CONFERENCE DRAFTING COMMITTEE HAS ALSO BEGUN WORK. END SUMMARY.

2. COMMITTEE I CONCLUDED GENERAL DISCUSSION OF ARTICLES DEALING WITH REPRESSION OF BREACHES AS WELL AS DISCUSSION OF SPECIFIC ARTICLES ON GRAVE BREACHES AND REPRISALS. GENERALLY, WEO'S SUPPORTED LIMITED AND CAUTIOUS APPROACH

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TO DEFINING NEW GRAVE BREACHES WHILE EE'S SUGGESTED

SIGNIFICANT BROADENING TO INCLUDE COMBAT OFFENSES AND, E.G., CRIMES AGAINST PEACE AND HUMANITY. ARAB STATES SUBMITTED AMENDMENT TO MAKE CERTAIN DEPORTATION OR TRANSFERS OF PERSONS INTO OR FROM OCCUPIED TERRITORY GRAVE BREACHES. UGANDA AND TANZANIA SUBMITTED AMENDMENT THAT WOULD MAKE OUTRAGES UPON PERSONAL DIGNITY (E.G. APARTHEID) GRAVE BREACHES. US AND UK SUBMITTED AMENDMENT WHICH WOULD NOT APPLY GRAVE BREACHES SYSTEM TO COMBAT OFFENSES. COMMITTEE I ALSO COMPLETED DEBATE ON FRENCH AMENDMENT TO PERMIT REPRISALS IN CERTAIN LIMITED CIRCUMSTANCES, DESPITE OTHER PROVISIONS IN PROTOCOL EXPLICITLY PROHIBITING THEM. WEO'S SUPPORTED AND EE'S OPPOSED, WITH THE FEW LA'S WHO SPOKE MERELY RAISING TECHNICAL QUESTIONS. WHEN DEBATE ON CURRENT SERIES OF ARTICLES COMPLETED, THESE WILL BE REFERRED TO WORKING GROUP ALONG WITH AMENDMENTS.

3. COMMITTEE I SUB-GROUP CONSIDERING PENAL PROSECUTIONS ARTICLES IN PROTOCOL II ARRIVED AT TENTATIVE AGREEMENT ON CONTROVERSIAL DRAFT ARTICLE, WHICH WILL BE SUBMITTED RELEVANT WORKING GROUP AND THEN COMMITTEE I.

4. COMMITTEE I WEO INFORMAL GROUP BEGAN DISCUSSING AREAS OF POSSIBLE COMPROMISE ON REPRESSION OF BREACHES. US AND UK WILL BEGIN PRIVATE NEGOTIATIONS WITH GDR AND USSR ON THIS SUBJECT NEXT WEEK.

5. COMMITTEE II COMPLETED WORK ON MEDICAL TRANSPORT IN PROTOCOL I BY CONSENSUS ADOPTION OF DRAFTING COMMITTEE TEXTS OF ARTICLES ON MEDICAL SHIPS AND CRAFTS, LANDING AND INSPECTION AND MEDICAL AIRCRAFT IN TERRITORY OF NEUTRAL STATES. ONLY ITEMS CONCERNING WOUNDED, SICK AND SHIPWRECKED REMAINING FOR COMMITTEE I CONSIDERATION ARE REVIEW OF DEFINITIONS, RESUMPTION OF NEGOTIATIONS ON MISSING AND DEAD, AND TECHNICAL ANNEX; AND AS TO PROTOCOL II ARTICLES ON ROLE OF CIVILIAN POPULATION AND REPRISALS.

6. DISCUSSION ON CIVIL DEFENSE FINALLY GOT UNDER WAY ON FRIDAY WITH A GENERAL DEBATE, INCLUDING AN INTROLIMITED OFFICIAL USE

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DUCTION OF THE DANISH AMENDMENTS. DEBATE WILL CONTINUE MONDAY. PRINCIPAL PROBLEM MAY WELL BE STATUS OF MILITARY UNITS AND PERSONNEL EXCLUSIVELY DEDICATED TO CIVIL DEFENSE TASKS.

7. US PROPOSAL FOR SHORTENED SECTION ON MISSING AND DEAD WAS TABLED APRIL 30 WITH CONCURRENCE OF CO-SPONSORS (UK, FRG) AND AFTER CONSULTATION WITH SOVIETS WHO OFFERED

ONLY GENERAL COMMENTS THAT US DRAFT IS IMPROVEMENT OVER OLD WORKING GROUP DRAFT. COLONEL MARTINS (NIGERIA) CHAIRMAN OF WORKING GROUP ARRIVED GENEVA APRIL 30 AND USDEL IS HOPEFUL WORKING GROUP WILL RESUME WORK MAY 3.

8. TECHNICAL SUBCOMMITTEE CONVENED APRIL 24 (CHAIRMAN: KIEFER, SWITZERLAND; VICE CHAIRMAN: KRASNOPEEV, USSR; RAPPOREUR: SANCHEZ DEL RIL, SPAIN) AND DURING WEEK COMPLETED WORK ON DISTINCTIVE SIGNALS AND COMMUNICATIONS BASED LARGELY ON US POSITIONS. ITU OBSERVER (MATTHEY) EXPRESSED COMPLETE SATISFACTION WITH US AMENDMENTS AND RESULT OF TECHNICAL COMMITTEE ACTION AS TO ARTICLES ON RADIO SIGNAL AND RADIO COMMUNICATIONS. USDEL IS COORDINATING IMPLEMENTING RESOLUTIONS TO INITIATE NECESSARY ITU, IMCO AND ICAO ACTION.

9. COMMITTEE III (CIVILIAN PROPULATION, METHODS AND MEANS OF COMBAT, NEW CATEGORY OF PRISONERS OF WAR) BEGAN INTRODUCTION OF ARTICLES CONCERNING TREATMENT OF PERSONS IN POWER OF A PARTY TO INTERNATIONAL CONFLICT (PROTOCOL I). THESE INTRODUCTIONS WILL CONTINUE DURING WEEK OF MAY 3 ALONG WITH ARTICLE ON PROTECTION OF CHILDREN IN NON-INTERNATIONAL CONFLICTS (PROTOCOL II). PROTOCOL I ARTICLES CONCERNING FIELD OF APPLICATION, REFUGEES AND STATELESS PERSONS, AND REUNION OF DISPERSED FAMILIES WERE REFERRED TO WORKING GROUP. WORKING GROUP UNDER CHAIRMANSHIP OF RAPPOREUR (ALDRICH, US) DISCUSSED AND HAS REACHED AGREEMENT ON PROTOCOL I ARTICLES ON SAFEGUARD OF ENEMY HORS DE COMBAT AND QUARTER, AIRCRAFT OCCUPANTS, AND PROHIBITION OF PERFIDY. DISCUSSION HAS BEGUN ON INDEPENDENT MISSIONS, ORGANIZATION AND DISCIPLINE, AND NEW CATEGORY OF PRISONERS OF WAR, AND WILL CONTINUE INTO WEEK OF MAY 3.

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10. AD HOC COMMITTEE ON CONVENTIONAL WEAPONS HELD TWO ORGANIZATIONAL MEETINGS DURING WEEK. FIRST BECAME SHAMBLES DUE TO FACT THAT INTERNATIONAL COMMITTEE OF RED CROSS (ICRC) DID NOT HAVE REPORTS OF LUGANO CONFERENCE READY IN ANY LANGUAGE. CHAIRMAN AND OTHER DELEGATIONS THEN SUGGESTED THAT WORK PROCEED USING ENGLISH LANGUAGE DOCUMENTS WHICH WERE TO HAVE BEEN READY BY MAY 10. SOVIETS AND THEIR ALLIES THEREUPON SAID THAT UNLESS LUGANO REPORT WERE AVAILABLE IN RUSSIAN, AN OFFICIAL CONFERENCE LANGUAGE, THEY COULD NOT PARTICIPATE IN NEGOTIATIONS. AFTER TWO DAYS OF FEVERISH NEGOTIATION INVOLVING BLIX (SWEDEN), HIS COLLEAGUES, AND ICRC, IT WAS DETERMINED THAT ICRC WOULD PHOTOCOPY DOCUMENTS AND PREPARE RUSSIAN LANGUAGE TRANSLATIONS AS RAPIDLY AS POSSIBLE. A LACKLUSTER AGENDA, SIMILAR TO LAST YEAR'S, WAS ALSO PREPARED AND, ON FRIDAY, AT SECOND MEETING OF AD HOC COMMITTEE BOTH

AGENDA AND DATE OF MAY 12 TO BEGIN SUBSTANTIVE WORK WERE
CONCURRED IN WITH ONLY SWISS ENTERING STRONG DISSENT.
SWISS WANTED TO BEGIN SUBSTANTIVE DISCUSSIONS NEXT WEEK.
COMMODORE WULLF (SWEDEN) SAYS THAT NEXT WOUND TRAUMA SYMPOSIUM
WILL TAKE PLACE IN GOTENBORG DURING LAST WEEK IN AUGUST,
AT PRESENT PLANNED TO LAST FIVE DAYS. SWEDISH SURGEON
GENERAL WILL COME TO GENEVA TO ANNOUNCE SEMINAR AND TO ISSUE
INVITATIONS.

11. DRAFTING COMMITTEE (UNDER NEW IRAQI CHAIRMAN FALLOUJI)
KICKED OFF MEETINGS WITH PROCEDURAL DEBATE ABOUT METHOD OF WORK
AND WHETHER TO ORGANIZE INTO SUB-GROUPS, WHICH WAS NOT DONE
FOR TIME BEING. THEREAFTER COMMITTEE BEGAN BY CONSIDERING
SUCH ISSUES AS CONSISTENCY OF LANGUAGE OF PROTOCOLS WITH
1949 GENEVA CONVENTIONS, PROPER TENSE, PROPER INTERNAL
NUMBERING, ETC.DALE

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